

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

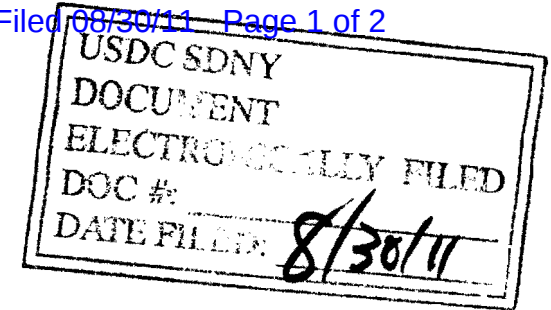
----- x
NANCY GAINES,

Plaintiff,

-v-

MICHAEL ASTRUE, COMMISSIONER OF
SOCIAL SECURITY,

Defendant.
----- x



08 Civ. 9812 (JSR) (KNF)

ORDER

JED S. RAKOFF, U.S.D.J.

On July 22, 2011, the Honorable Kevin Nathaniel Fox, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned matter recommending that: (1) the plaintiff's motion for judgment on the pleadings, Docket Entry No. 10, be denied; (2) the defendant's motion for judgment on the pleadings, Docket Entry No. 14, be denied; and (3) the case be remanded to the Commissioner for further development of the record and for reconsideration of Gaines's disability under the correct legal standard. See 07/22/11 Report & Recommendation at 27.

No objections have been filed to the Report and Recommendation, and, for that reason alone, the parties have waived any right to review by this Court. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). Accordingly, the Court hereby adopts the Report and Recommendation, and, for the reasons therein, hereby: (1) denies plaintiff's motion for judgment on the pleadings; (2) denies

defendant's motion for judgment on the pleadings; and (3) remands the case to the Commissioner for further development of the record and for reconsideration of Gaines's disability under the correct legal standard. Clerk to enter judgment.

SO ORDERED.


JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
August 26, 2011